



## REGISTER NOTICE

SAN # 2009-09

1. TITLE OF THE REGULATIONS:

Amendment to Regulation 1138 Emission Standards for Hazardous Air Pollutants for Source Categories

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Under Section 112(k) of the 1990 Clean Air Act Amendments, Congress mandated that the EPA identify 30 or more hazardous air pollutants (HAPs) that posed the greatest threat to public health in urban areas, to identify the small area sources that emit those pollutants and to develop regulations to reduce the emission of HAPs. In 1999, the EPA identified 33 HAPs that posed the greatest threat to public health and has, since that time, identified over 60 new area source categories for which regulations are being developed.

In January 2008, the EPA promulgated another of these area source category standards that will affect existing and future Delaware sources; the area source standard for paint stripping and miscellaneous surface coating operations under 40 CFR Part 63 Subpart HHHHHH.

Delaware is proposing to amend Regulation 1138 by adding a new Section 14 that covers miscellaneous parts or products surface coating operations. The purpose of this proposed amendment is to provide increased protection for Delaware citizens against a variety of potential adverse health effects linked to a long term exposure to cadmium, chromium, lead, manganese, or nickel compounds. In addition, some of these compounds, except the manganese compounds, are classified as known or probable human carcinogens by the EPA. The proposed amendment will provide greater consistency between Delaware's air toxics standards for these types of operations and the recently promulgated federal standard (40 CFR Part 63 Subpart HHHHHH) on which this proposed amendment is heavily based. In addition, this amendment proposes to include more health protective requirements that currently exist in similar area source air toxics standards found in Regulation 1138 and other Delaware air regulations.

3. POSSIBLE TERMS OF THE AGENCY ACTION: None

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT: 7 Delaware Code, Chapter 60

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL: None

6. NOTICE OF PUBLIC COMMENT:

Statements and testimony may be presented either orally or in writing at a public hearing to be held on Tuesday, January 5, 2010 beginning at 6:00 PM in the DNREC's Priscilla Building Conference Room, 156 S. State Street, Dover, DE. Interested parties may submit comments in writing to: Jim Snead, DNREC Air Quality Management Section, 715 Grantham Lane, New Castle, DE 19720.

7. PREPARED BY:

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October 5, 2009  
Date